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9 Attorneys for Defendants
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10 SAMSUNG SDI CO., LTD.,
SAMSUNG SDI (MALAYSIA) SDN. BHD.,
11 SAMSUNG SDI MEXICO S.A. DE C.V.,
SAMSUNG SDI BRASIL LTDA.,
12 SHENZEN SAMSUNG SDI CO., LTD. and
TIANJIN SAMSUNG SDI CO., LTD.

13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 In re: CATHODE RAY TUBE (CRT)
18 ANTITRUST LITIGATION

Master File No. 3:07-cv-5944-SC

MDL No. 1917

19 This Document Relates to:

20 ALL ACTIONS
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**DECLARATION OF TYLER M.
CUNNINGHAM IN SUPPORT OF
SAMSUNG SDI DEFENDANTS'
OPPOSITION TO STATE OF
CALIFORNIA'S MOTION FOR
PERMISSIVE INTERVENTION AND
MOTION TO RESTORE PUBLIC
ACCESS TO 107 COURT RECORDS**

Date: September 25, 2015
Time: 10 a.m.
Courtroom: One
Judge: Hon. Samuel Conti

1 I, TYLER M. CUNNINGHAM, hereby declare:

2 1. I am an attorney licensed to practice law in the State of California and in the United
3 States District Court for the Northern District of California. I am an associate with the firm of
4 Sheppard, Mullin, Richter and Hampton LLP, counsel of record for defendants Samsung SDI
5 America, Inc., Samsung SDI Co., Ltd., Samsung SDI (Malaysia) Sdn. Bhd., Samsung SDI Mexico
6 S.A. de C.V., Samsung SDI Brasil Ltda., Shenzhen Samsung SDI Co., Ltd., and Tianjin Samsung
7 SDI Co., Ltd. (collectively "SDI") in this matter. I make this declaration in support of SDI's
8 opposition to (1) the State of California's Motion for Permissive Intervention Solely for the
9 Limited and Collateral Purpose of Seeking to Restore Public Access to 107 Court Records that the
10 Samsung SDI Defendants Asked to Be Sealed (Dkt. No. 3972); and (2) Intervenor the State of
11 California's Motion to Restore Public Access to 107 Court Records (Dkt. No. 3972-1) (together,
12 "Motions"). Except for those matters stated on information and belief, about which I am informed
13 and which I believe to be true, I have personal knowledge of the matters set forth herein, and could
14 and would testify competently to each of them.

15 2. Attached hereto as Exhibit A is a true and correct copy of Stipulation and
16 Protective Order entered in *People of the State of California, ex rel. Kamala D. Harris v. Samsung*
17 *SDI Co., Ltd.*, Case No. CGC-11-515784 (S.F. Super.), dated March 2, 2012.

18 3. At my request and under my direction, Sheppard Mullin staff reviewed ECF filing
19 receipts for this case, to determine if counsel for the California Attorney General received notice
20 of the sealing requests at issue in the Motions. Based on that review, I am informed and believe
21 that counsel for the California Attorney General began receiving ECF notices of documents filed
22 in this case sometime on or before October 1, 2012, and received notice of all but one of the
23 sealing requests at issue in this case.

24 4. Counsel for the California Attorney General actively questioned multiple witnesses
25 during depositions in this case, and filed or opposed at least 12 motions in this litigation.

26 5. SDI provided California with documents it produced in this litigation, for use in its
27 state-court case, including all SDI documents that Plaintiffs seek to unseal. SDI also produced to
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1 California its responses to written discovery in this case and expert reports.

2 6. In June 2014, counsel for the California Attorney General wrote to me, purporting
3 to challenge SDI's confidentiality designations with respect to approximately one thousand
4 documents. During the ensuing meet-and-confer dialogue, SDI de-designated dozens of
5 documents. To date, California has filed no motion with the San Francisco Superior Court with
6 respect to this confidentiality dispute.

7
8 I declare under penalty of perjury under the laws of the United States of America that the
9 foregoing is true and correct to the best of my knowledge.

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11 DATED: August 26, 2015

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14 By /s/ Tyler M. Cunningham
15 TYLER M. CUNNINGHAM
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